

EXHIBIT 8

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

L.E., by his next friends and
parents, SHELLY ESQUIVEL and
MARIO ESQUIVEL

Plaintiff

v.

No.

BILL LEE, in his official

3:21-cv-00835

capacity as Governor of

Tennessee; PENNY SCHWINN, in her

official capacity as the

Tennessee Education

Commissioner; TENNESSEE STATE

BOARD OF EDUCATION; SARA HEYBURN

MORRISON, in her official

capacity as the Executive

Director of the Tennessee State

Board of Education; NICK

DARNELL, MIKE EDWARDS, ROBERT

EBY, GORDON FERGUSON, ELISSA

KIM, LILIAN HARTGROVE, NATE

1 MORROW, LARRY JENSEN, DARRELL
2 COBBINS, and EMILY HOUSE, the
3 individual members of the
4 Tennessee State Board of
5 Education, in their official
6 capacities; KNOX COUNTY BOARD OF
7 EDUCATION a/k/a KNOX COUNTY
8 SCHOOLS a/k/a KNOX COUNTY SCHOOL
9 DISTRICT; ROBERT M. "BOB"
10 THOMAS, in his official capacity
11 as Director of Knox County
12 Schools

13 Defendants

14 -----

15 VIDEOCONFERENCE DEPOSITION OF

16 JOHN CRISTOPHER BARTLETT

17 DATE: Monday, July 25, 2022

18 TIME: 2:03 p.m.

19 LOCATION: Remote Proceeding

20 Washington, D.C. 20005

21 REPORTED BY: Janel B. Folsom, Notary Public

22 JOB NO.: 5338660

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A/K/A KNOX COUNTY SCHOOLS A/K/A KNOX COUNTY SCHOOL
DISTRICT AND ROBERT M. "BOB" THOMAS, IN HIS CAPACITY
AS DIRECTOR OF KNOX COUNTY SCHOOLS AND WITNESS JOHN
CRISTOPHER BARTLETT:

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COMMISSIONER; TENNESSEE STATE BOARD OF EDUCATION; SARA
HEYBURN MORRISON, IN HER CAPACITY AS THE EXECUTIVE
DIRECTOR OF THE TENNESSEE BOARD OF EDUCATION; AND NICK
DARNELL, MIKE EDWARDS, ROBERT EBY, GORDON FERGUSON,
ELISSA KIM, LILLIAN HARTGROVE, NATE MORROW, LARRY
JENSEN, DARRELL COBBINS, AND EMILY HOUSE, THE
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Jerry Curran, Technician, CMI Production Services
(by videoconference)

I N D E X

EXAMINATION:	PAGE
By Mr. Costello-Vega	11
By Ms. Bergmeyer	105
By Mr. Costello-Vega	109
By Ms. Bergmeyer	112
By Ms. Jernigan-Johnson	112

E X H I B I T S

NO.	DESCRIPTION	PAGE
Exhibit 1	E-mail Chain, Subject L.E., Incoming 9th Grader, Beginning 3/4/2021	37
Exhibit 2	Knox County Schools Defendants' Fed. R. Civ. P. Rule 26(a) Initial Disclosures	49
Exhibit 3	Farragut High School Requirements to Play Golf	55
Exhibit 4	Knox County Board of Education Policy, Interscholastic Athletics	73

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

E X H I B I T S (Cont'd)

NO.	DESCRIPTION	PAGE
Exhibit 5	E-mail Chain, Subject TSSAA Transgender Policy, Beginning 4/15/2021	82
Exhibit 6	TSSAA/TMSAA Transgender Policy (Exhibits attached.)	83

1 Excuse me. I did play soccer. Thank you for
2 remembering.

3 Q Got it. So you played soccer when you were
4 in high school.

5 A Yes.

6 Q And then were the other sports you played --
7 baseball and football -- after high school?

8 A They were summer travel leagues in -- in --
9 during high school. I did not play anything after
10 high school.

11 Q Got it. So the soccer team was with the
12 high school soccer team; is that right?

13 A That's correct.

14 Q And then the baseball and football teams
15 were separate from the high school --

16 A Yes.

17 Q -- is that right? Okay.

18 A Yes.

19 Q Understood. Thank you. And so as a coach,
20 do you think it's beneficial for someone to
21 participate in school sports?

22 A Yes.

1 Q Why do you think that?

2 A I think it -- it teaches a lot of life
3 skills. It teaches discipline. It teaches teamwork.
4 It teaches the -- a totality of life skills, provides
5 confidence for the individual, and as -- and it
6 provides connection with the school.

7 Q So you mentioned discipline. What other
8 life skills do you think playing sports can provide
9 students?

10 A Well I think it teaches you how to be a good
11 teamwork. I take -- think it teaches you attention to
12 detail and builds life habits. So I mean I think
13 there's a -- there's a lot that goes into playing
14 sports that -- that transfer to real life.

15 Q Would you say that a student who plays
16 sports learns responsibility skills?

17 A I -- I would -- that's a -- that's a goal,
18 that they learn responsibility skills. Yes.

19 Q And would you say a goal of sports is also
20 for a student to build resilience in their lives?

21 A Yes.

22 Q And would you say a goal is also to form a

1 foundation for lifetime good habits specifically?

2 A Yes.

3 Q And would you say that, generally, students
4 who participate in sports in high school will be in
5 better physical shape as a result of participating in
6 sports?

7 A Yes.

8 Q And would you agree that students who
9 participate in sports in high school will also have
10 better mental health as a result of participating in
11 sports?

12 A Yes.

13 Q Great. And do you also have children,
14 Dr. Bartlett?

15 A I do.

16 Q Do your children play sports?

17 A Not -- not anymore.

18 Q Not anymore. Did they previously play
19 sports?

20 A Yes.

21 Q What sports did they play?

22 A My son played baseball, football, and

1 basketball.

2 Q Do you believe that your son obtained the
3 benefits we just spoke about -- or at least some of
4 them?

5 A Yes.

6 Q What benefits do you think your son received
7 from playing sports?

8 A I think he built self-confidence. I -- I
9 think responsibility, discipline, how to follow rules,
10 how to follow -- how to -- how to be a good teammate.
11 I think he learned a ton of that stuff.

12 Q Got it. And do you have any other children
13 besides the son you're referencing?

14 A Yeah; I have my daughter.

15 Q Got it. And did your daughter also play
16 sports?

17 A No.

18 Q No. Okay. And then you yourself mentioned
19 you played sports. What benefits did you personally
20 receive from sports?

21 A I think you -- the -- I think you --
22 discipline and -- and a responsibility. I think

1 there's a lot of things you -- you learn from that,
2 just by being a good teammate. Attention to detail.
3 Responsibility to do your job. How to get along with
4 others.

5 Q Right. And for these benefits we're talking
6 about, will you agree that these benefits carry on
7 with the student throughout their lives? They're not
8 just limited to the period in which they play sports?

9 A Yes.

10 MS. JERNIGAN-JOHNSON: Object to the
11 form. You can answer. You can answer.

12 THE WITNESS: Okay.

13 MR. COSTELLO-VEGA: Yeah.

14 THE WITNESS: Yes, I do.

15 BY MR. COSTELLO-VEGA:

16 Q And actually let me ask one more question.
17 Have you been deposed before, Dr. Bartlett?

18 A No.

19 Q Okay.

20 A Not -- not in this instance. I think it --
21 I was in a car accident five years ago.

22 Q Okay. Sorry to hear that. Hopefully this

1 is less painful than that.

2 So just to cover a few ground rules. Your
3 attorney will be objecting throughout the deposition.
4 So please continue to answer the questions as she's
5 making those objections, unless you're specifically
6 told not to speak.

7 And of course give full and complete answers
8 to all of my questions as we go throughout this
9 deposition. All right.

10 So moving on now to the sports at Farragut
11 High School. So do you agree that Farragut High
12 School sports provide students with opportunities to
13 build discipline?

14 A Yes.

15 Q Do you agree that participating in sports at
16 Farragut High School provides students the ability to
17 become more accountable and more responsible?

18 A Yes.

19 Q Do you believe that participating in sports
20 at Farragut High School helps students build teamwork
21 and resilience throughout their lives?

22 A Yes.

1 Q Do you agree that participating in sports at
2 Farragut High School provides a foundation for
3 lifelong friendships and self-esteem?

4 A Yes.

5 Q And do you agree that the benefits I just
6 listed now are benefits that continue throughout a
7 student's lives, not just while they're in high
8 school?

9 A Yes.

10 Q Okay. And in your view, do you agree that
11 even students who might not be top athletes on their
12 team can still receive all of these benefits?

13 A Yes.

14 Q And do you agree that these benefits are
15 given to students because they participate in sports,
16 even if they do not win everything that they played?

17 MS. JERNIGAN-JOHNSON: Object to the
18 form.

19 A Yes.

20 Q And to maybe clarify that a bit. Do you
21 agree that students who participate in sports will not
22 always win on the sports that they play?

1 A Yes.

2 MS. JERNIGAN-JOHNSON: Object to the
3 form.

4 BY MR. COSTELLO-VEGA:

5 Q Yeah, you can answer. And do you agree that
6 students can derive benefits from sports besides the
7 thrill of victory?

8 A Yes.

9 Q Okay. In your opinion, does participating
10 in school sports help students build friendships at
11 high school?

12 A Yes.

13 Q And do you agree that it's important for
14 students at the high school level to build friendships
15 with their peers?

16 A Yes.

17 Q Do you think it's important for students in
18 high school to develop opportunities to form a
19 community of similar interests while in high school?

20 A Yes.

21 Q And then do you think students at high
22 school often feel pressure to fit in at school?

1 A I think they do, yes.

2 Q And do you think that playing on sports
3 teams is a way to help those students relieve that
4 pressure to fit in?

5 MS. JERNIGAN-JOHNSON: Object to the
6 form.

7 A I -- I think it helps them build community.
8 Just -- yeah, I mean it helps them build community. I
9 don't like the idea of fitting in.

10 Q Got it. That's fair. And so do you think
11 that playing on sports in high school helps grow
12 students' confidence?

13 A Yes.

14 Q And do you believe that's true of sports at
15 Farragut High School as well?

16 A Yes.

17 Q And in your opinion, as a golf coach, did
18 you often mentor students?

19 A I'm -- I'm not a golf coach.

20 Q I'm sorry. In your opinion, as a coach of
21 the teams you mentioned earlier, did you mentor
22 students?

1 A No.

2 Q Okay. Have you ever seen L.E. at school
3 while you were also at school?

4 A Yes.

5 Q Have you ever seen L.E. appear to be
6 distressed while at school?

7 A No.

8 Q Do you know anything else about L.E. from
9 anyone else other than what you've shared already?

10 A No.

11 Q And it sounds like you're aware that L.E.
12 identifies himself as a boy; is that right?

13 A That's correct.

14 Q Okay. Is L.E. treated as a boy by his peers
15 at school?

16 A I believe so.

17 Q And then to your knowledge, do teachers and
18 staff at Farragut High School treat L.E. as a boy?

19 A I think they treat L.E. as a student. I
20 don't -- I don't know that there's a difference.

21 Q To clarify. To give an example, in some
22 classes, they might refer to a student as boys or

1 girls. Is it your understanding that teachers and
2 staff would generally refer to L.E. as a boy?

3 A I -- I -- if they did so, yes. They
4 referred to L.E. as L. in class.

5 Q Okay. Got it. And then to your knowledge,
6 does L.E. live his life as a boy generally?

7 A Yes.

8 Q And then are you aware of anyone in L.E.'s
9 life who does not treat L.E. like a boy?

10 A I'm not aware of one.

11 Q Okay. So L.E.'s parents. Have you ever
12 spoken with either Shelley or Mark [sic] Esquivel?

13 A Not that I'm aware.

14 Q And have you ever had e-mail communications
15 with either of L.E.'s parents?

16 A I did and that -- I believe you have that
17 instance.

18 Q Yeah. So how many times have you e-mails
19 with Shelly or Mark [sic] Esquivel?

20 A I believe it's that one e-mail thread.

21 Q Okay.

22 MR. COSTELLO-VEGA: Sam, can we please

1 house. And -- and it signed with the governor. And
2 we would follow all applicable state law at that
3 point.

4 Q Got it. So is the law you're referring to
5 the law that set requirements for participating on
6 school sports team in public schools in Tennessee
7 related to a student's gender?

8 A I believe that's -- that's the law that I
9 was referring to, yes. Any law -- any law in the
10 state -- the state voted through that would regulate
11 this, that's what I was referring to.

12 Q Got it. And so to your understanding, are
13 the requirements in this law that a student who is
14 transgender is required to participate on the sports
15 team that is associated with their sex as identified
16 on their birth certificate?

17 MS. JERNIGAN-JOHNSON: Object to the
18 form.

19 MS. BERGMAYER: -- here --

20 THE WITNESS: Okay.

21 BY MR. COSTELLO-VEGA:

22 Q You can go.

1 A So yes. Yes.

2 Q Okay. And so is it your understanding that
3 L.E. would not be allowed to play on the boys' golf
4 team under this policy at Farragut High School?

5 A According to state law. That's correct.

6 Q Okay. Were there any other practices
7 besides following state law that you were referring to
8 in this e-mail?

9 A No. I mean we -- we have -- we have
10 internal school practices that we -- we have unisex
11 bathroom and stuff like that. We try to accommodate
12 the students as they need to.

13 Q Understood. Does Farragut High School
14 currently allow someone with a birth certificate
15 showing the sex of female to play on a boys' sports
16 team if there's a girls' sports team for that same
17 sport?

18 A No.

19 MS. JERNIGAN-JOHNSON: Object to the
20 form.

21 MS. BERGMEYER: -- a --

22 //

1 BY MR. COSTELLO-VEGA:

2 Q Go ahead and answer.

3 A No. We follow state law.

4 Q Okay. Are there ever situations where
5 someone who is a girl can play on a boys' sports team
6 or vice versa?

7 A Yes.

8 Q Can you talk about that?

9 A We've had girls that play football. And --

10 Q And when was the last time a girl played on
11 a football team --

12 A Last year.

13 Q -- Farragut High School?

14 A Last year.

15 Q Last year? So last year, a girl played on
16 the Farragut High School football team?

17 A Yes.

18 Q Did you have any concerns about her playing
19 on the football team?

20 A No.

21 Q Were there concerns by the team members
22 themselves about her playing on the team?

1 MS. JERNIGAN-JOHNSON: Object to the
2 form.

3 MS. BERGMEYER: -- the --

4 THE WITNESS: Not that I was made
5 aware.

6 BY MR. COSTELLO-VEGA:

7 Q So to your knowledge, you weren't aware of
8 concerns by the boy members of the team that a girl
9 would be playing on the boys' football team?

10 A I was not made aware of any concerns.

11 Q And you yourself did not have any concerns
12 about a girl playing on the boys' football team?

13 A No. No concerns at all.

14 Q Were you aware of any concerns by others in
15 the Farragut High School community, such as parents or
16 teachers, about a girl playing on the boys' football
17 team?

18 A Not -- not that was expressed to me. I
19 think there was concerns about making sure that we
20 accommodated her in -- in the facts to make sure she
21 had proper dressing facilities.

22 Q Understood. Have a boy or a girl ever

1 played -- let me rephrase that.

2 Has a girl ever played on the boys' football
3 team other than this instance at Farragut High School?

4 A Not since I've been there. So I don't know
5 anything further.

6 Q Okay. Did you have any concerns about the
7 safety of the girl playing on the boys' football team?

8 A No; we treat her like every other player.

9 Q Got it. So moving back to this document.
10 If you could take a look at your signature block at
11 the end of the e-mail. It looks like it's a quote.
12 "It's all [sic] about the students." Who said that
13 quote?

14 A That is me.

15 Q That is you. Okay. And what do you mean
16 by, "it's all [sic] about the students"?

17 A A lot of times in education, people make
18 decisions that -- that aren't student-based. And --
19 and they -- they try to -- I -- I don't -- the reason
20 I'm in this job is for kids. I'm not in this job to
21 make my name or make -- to build a brand or anything
22 like that. So it -- I -- we refer to our school --

1 members of the TSSAA?

2 A I --

3 MS. JERNIGAN-JOHNSON: Object to the
4 form.

5 A I believe so. I wouldn't -- I -- there may
6 be -- there may be some fluke one that's not, but I
7 don't know one.

8 Q Got it. But Farragut High School is a
9 member of TSSAA; is that right?

10 A Yes.

11 Q And so that means that Farragut High School
12 must comply with TSSAA policies?

13 A Yes.

14 Q Okay. And so it sounds like you have not
15 reviewed this policy before; is that correct?

16 A That's correct.

17 Q Were you aware of any TSSAA policies
18 governing the participation of transgender students in
19 school sports?

20 MS. JERNIGAN-JOHNSON: Object to the
21 form.

22 A Not prior to this issue coming up.

1 Q Okay. And so let me turn now to this
2 policy. The first paragraph, it says, "the
3 TSSAA/TMSAA allows participation for all students,
4 regardless of their gender identity or expression."
5 Do you see that?

6 A Yes.

7 Q And then in the very last sentence of this
8 paragraph, it says, "this policy is designed to create
9 a framework in which the participation may occur in a
10 safe and healthy manner that is fair to all
11 competitors." Do you see that?

12 A Yes.

13 Q And then underneath the second heading of
14 Gender Identity Policy/Procedure, in that paragraph,
15 it states, "all students should have the opportunity
16 to participate in TSSAA/TMSAA activities in a manner
17 that is consistent with their gender identity,
18 irrespective of the gender listed on the student's
19 records," is that right?

20 A Yes.

21 Q Okay. And so talking about this policy, to
22 your knowledge, is this policy still the current

1 policy of the TSSAA?

2 MS. JERNIGAN-JOHNSON: Object to the
3 form.

4 MS. BERGMAYER: Object to form.

5 A I -- I would have no knowledge of that what
6 their policy currently is.

7 Q Do you have any knowledge that this policy
8 was ever used at Farragut High School?

9 A I have no knowledge of that.

10 Q Who is responsible for enforcing TSSAA
11 policies at Farragut High School?

12 A The athletic director and myself.

13 Q And so you've never, to your memory, had to
14 enforce this policy.

15 A I've never had to enforce that policy.

16 Q In your opinion, shouldn't this policy be
17 revised in light of the law, if it has not been
18 already?

19 MS. JERNIGAN-JOHNSON: Object to the
20 form.

21 MS. BERGMAYER: Object to form.

22 A In -- in my opinion, that policy isn't worth

1 the paper it's written on because of state law that
2 supersedes that policy.

3 Q Okay. And would it be your understanding
4 that the Knox County Schools policies would also
5 supersede this policy?

6 A Absolutely.

7 Q Okay. So let's talk again about the
8 benefits of sports. So earlier, we talked for quite a
9 bit about the benefits students get from playing
10 sports in high school.

11 Do you think that transgender students who
12 play sports would receive the same benefits?

13 MS. JERNIGAN-JOHNSON: Object to the
14 form.

15 A Yes.

16 Q Do you think transgender students who
17 participate in school sports strive to improve their
18 performance in those sports?

19 A Yes.

20 Q Do you think transgender students who play
21 in school sports want to experience the satisfaction
22 of victory?

1 A Yes.

2 Q Do you think transgender students who play
3 in school sports benefit by becoming more accountable
4 and responsible?

5 A Yes.

6 Q Do you think transgender students who
7 participate in school sports would benefit from a
8 higher degree of physical fitness because they play
9 sports?

10 A Yes.

11 Q Do you think transgender students who
12 participate in school sports would also receive mental
13 health benefits from participating in school sports?

14 MS. BERGMEYER: -- form --

15 A Yes.

16 Q Do you think transgender students who play
17 in school sports would benefit even if they do not win
18 sports competitions?

19 MS. BERGMEYER: Form --

20 A Yes.

21 Q Do you think transgender students who play
22 in school sports would have the ability to build a

1 community of their peers through playing school
2 sports?

3 MS. JERNIGAN-JOHNSON: Object to the
4 form.

5 MS. BERGMEYER: -- form.

6 A Yes.

7 Q Do you think transgender students who play
8 in school sports are able to get mentorship from
9 coaches and other athletic staff?

10 MS. JERNIGAN-JOHNSON: Object to the
11 form.

12 MS. BERGMEYER: -- form.

13 A Yes.

14 Q And as you've said earlier, would you agree
15 that the mentorship that coaches provide is beneficial
16 to students?

17 MS. JERNIGAN-JOHNSON: Object to the
18 form.

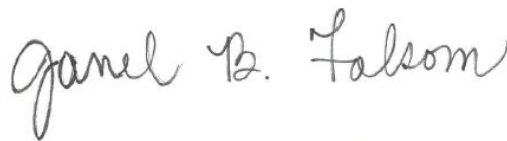
19 MS. BERGMEYER: Object to form.

20 A Yes.

21 Q And so you would agree that the mentorship
22 coaches provide through school sports would also

CERTIFICATE OF DEPOSITION OFFICER

I, JANEL B. FOLSOM, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



JANEL B. FOLSOM

Notary Public in and for the
Commonwealth of Virginia

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9 which this was taken; and, further, that I am not a
10 relative or employee of any counsel or attorney
11 employed by the parties hereto, nor financially or
12 otherwise interested in the outcome of this action.

13 
14

15 ALICE AMUSIN
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22